

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

DARIUS PADUCH,

Defendant.

23-cr-181 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

Before the Court is the Government's motion *in limine* regarding Dr. Deryn Strange's testimony. The Government's motion is granted in part and denied in part. In addition to the undisputed areas of testimony, the Court will permit testimony as to the following:

- Dr. Strange's opinions under the heading "Expectancy and [M]otivation," which includes, in part, her opinion that information acquired over time can change how people interpret earlier events;
- Dr. Strange's opinions under the heading "Memory Distortion and False Memories," which includes, in part, her opinion that the information that people learn from others can influence how they later recall an event;
- Dr. Strange's opinions under the heading "Possible Sources of Suggestive Influence," which includes, in part, her opinion that the influence of other sources—such as media, retelling of a story, therapy, and dreams—can lead to the formation of false memories; and
- Dr. Strange's opinions under the heading "Psychopathology," which includes, in part, her opinion that a history of trauma can increase the likelihood of memory distortion.

The Court will not permit testimony as to the following:

- Dr. Strange's opinion that memory is subject to forgetting;
- Dr. Strange's opinions under the heading "Low IQ," which includes, in part, her opinion that individuals with borderline IQ scores are more prone to suggestibility and acquiescence—unless Defendant identifies evidence for the Court that any of the former patients have a low or borderline IQ score, or studies that support the proposition that patients with Klinefelter Syndrome are more prone to suggestibility or acquiescence; and

- Dr. Strange's opinions in the concluding section of her report that bear specifically on the former patients' memories.

The Court will supplement its ruling on the record on Monday, May 6, 2024.

Additionally, the Court intends to email the parties a draft of the jury charge this weekend.

The parties should be prepared to discuss the draft jury charge after testimony on Monday, May 6, 2024.

SO ORDERED.

Dated: May 3, 2024  
New York, New York

A handwritten signature in blue ink, appearing to read 'Ronnie Abrams', is written over a horizontal line.

Ronnie Abrams  
United States District Judge